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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-880*

12 **ALEKSANDR Z. RATNER**  
13 **1320 41st Avenue**  
**San Francisco, CA 94122**

**A C C U S A T I O N**

14 **Registered Nurse License No. 682068**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about June 30, 2006, the Board of Registered Nursing issued Registered Nurse  
23 License Number 682068 to Aleksandr Z. Ratner (Respondent). The registered nurse license was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

.....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Section 2762 of the Code states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11       7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
12 revoke a license on the ground that the licensee has been convicted of a crime substantially  
13 related to the qualifications, functions, or duties of the business or profession for which the  
14 license was issued.

15       8. Section 118, subdivision (b), of the Code provides that the expiration of a license  
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
17 within which the license may be renewed, restored, reissued or reinstated.

18       9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licensee found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

22       10. Code section 2770.11 states:

23       (a) Each registered nurse who requests participation in a diversion program shall agree to  
24 cooperate with the rehabilitation program designed by the committee and approved by the  
25 program manager. Any failure to comply with the provisions of a rehabilitation program may  
26 result in termination of the registered nurse's participation in a program. The name and license  
27 number of a registered nurse who is terminated for any reason, other than successful completion,  
28 shall be reported to the board's enforcement program.

1 (b) If the program manager determines that a registered nurse, who is denied admission  
2 into the program or terminated from the program, presents a threat to the public or his or her own  
3 health and safety, the program manager shall report the name and license number, along with a  
4 copy of all diversion records for that registered nurse, to the board's enforcement program. The  
5 board may use any of the records it receives under this subdivision in any disciplinary  
6 proceeding.

#### 7 **CONTROLLED SUBSTANCES AT ISSUE**

8 11. "Fentanyl" is a powerful synthetic opiate analgesic similar to but more potent than  
9 morphine. It is typically used to treat patients with severe pain. It is a Schedule II controlled  
10 substance as designated by Health and Safety Code section 11055, subdivision (c)(8).

11 12. "Sufenta" is a brand name for Sufentanil and is a powerful synthetic opioid analgesic  
12 drug, approximately 5 to 10 times more potent than its analog, fentanyl. It is a Schedule II  
13 controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(25).

14 13. "Hydromorphone", (brand name Dilaudid) is a very potent centrally acting analgesic  
15 drug of the opioid class and a derivative of morphine. It is a Schedule II controlled substance as  
16 designated by Health and Safety Code section 11055, subdivision (b)(1)(J).

#### 17 **RESPONDENT'S TERMINATION FROM BOARD'S** 18 **DIVERSION PROGRAM AS A PUBLIC SAFETY RISK**

19 14. On or about July 21, 2010, Respondent was enrolled in the Board's Diversion  
20 Program. Respondent agreed as a condition of his participation in the Board's Diversion Program  
21 that he would comply with all elements of his rehabilitation plan, including abstaining from the  
22 use of mind-altering drugs, except as prescribed by a physician.

23 15. On January 31, 2011, the Diversion Evaluation Committee ("DEC") terminated  
24 Respondent from the Diversion Program as a public safety risk and because Respondent failed to  
25 comply with the provisions of his rehabilitation plan. The DEC based its decision on  
26 Respondent's lack of a meaningful attempt at recovery as evidenced by his failure to show up at  
27 his first DEC meeting, his placing his schooling at a higher priority over recovery and the fact  
28 that Respondent had refused to participate in residential treatment .

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crime)**

3 16. Respondent's registered nurse license is subject to disciplinary action under Code  
4 section 2761, subdivision (f), in that Respondent has been convicted of crimes that are  
5 substantially related to the qualifications, functions, and duties of a registered nurse, in that on or  
6 about February 22, 2012, in the case known as People of the State of California v. Aleksandr  
7 Ratner, Sacramento superior Court Case No. 11F08259, was convicted on a plea of nolo  
8 contendere of violating Health and Safety Code section 11350(a) (possession of a controlled  
9 substance, a felony) and Vehicle Code section 23152(a) (driving while intoxicated, a  
10 misdemeanor.) The circumstances are as follows:

11 17. On or about December 5, 2011, Respondent violated Health and Safety Code section  
12 11350(a) by possessing fentanyl and hydromorphone, and Vehicle Code section 23152(a) by  
13 driving while under the influence of an alcoholic beverage or drug.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Possession of Controlled Substances)**

16 18. Respondent is subject to disciplinary action pursuant to Code section 2761,  
17 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
18 subdivision (a), in that on or about December 5, 2011, Respondent possessed unknown quantities  
19 of the controlled substances fentanyl and hydromorphone without lawful authority therefore, as  
20 set forth in paragraphs 16 and 17, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Self-Administration of Controlled Substances)**

23 19. Respondent is subject to disciplinary action pursuant to Code section 2761,  
24 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
25 subdivision (b), in that on or about December 5, 2011, Respondent self-administered unknown  
26 quantities of the controlled substances fentanyl and hydromorphone without lawful authority  
27 therefore to an extent or in a manner dangerous or injurious to herself and others, as set forth in  
28 paragraphs 16 and 17, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 20. Respondent's registered nurse license is subject to disciplinary action under section  
4 2761 subdivision (a)(4) on the grounds of unprofessional conduct, in that Respondent has been  
5 disciplined by the Florida State Board of Nursing, (hereinafter "Board"), in that, effective January  
6 4, 2012, pursuant to the "Final Order In the Matter of: Department of Health v. Aleksandr  
7 Ratner", filed by the Board, attached hereto as Exhibit "A" and incorporated herein, Respondent's  
8 license to act as a nurse in the State of Florida was surrendered. The circumstances are that an  
9 investigation revealed that on May 23, 2010, while working there as a RN Student  
10 Anesthesiologist, Respondent diverted the drug Sufenta from the Moffat Cancer and Research  
11 Center. Respondent surrendered his Florida state registered nurse license immediately after the  
12 conclusion of the investigation. The surrender was accepted by the Florida Board of Nursing  
13 with the express understanding that the surrender constituted discipline.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 682068, issued to  
18 Aleksandr Z. Ratner;

19 2. Ordering Aleksandr Z. Ratner to pay the Board of Registered Nursing the reasonable  
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
21 Code section 125.3; and

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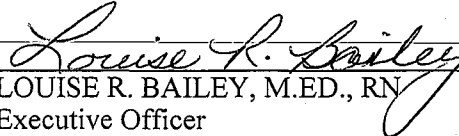
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28 3. Taking such other and further action as deemed necessary and proper.

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DATED: APRIL 8, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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